

**OPINION  
62-77**

April 5, 1962            (OPINION)

COUNTY LIBRARY

RE: Levy - Cooperating Municipalities and Political Subdivisions

This is in reply to your letter of March 29, 1962, and enclosures thereto, in regard to reductions of county library service mill levy and inter-county contracts in regard to library service.

We are enclosing herewith copies of previous letters and correspondence of this office in regard to same. We believe materials enclosed herewith fully disclose our position on same.

To summarize this position we might properly state that while the petition and the authorization thereby granted to the board of county commissioners at least imply a sufficient mill levy to maintain library service, the only amount specified by the statute is "not to exceed two mills." Thus while there is a statutorily imposed limit on the maximum amount of tax that may be levied for these purposes there is actually no statutorily imposed limit on the minimum amount of tax that may be levied for such purpose.

Section 40-38-01 of the North Dakota Century Code does authorize cooperative efforts by the municipalities, counties and library commission of this state. There is, however, no statutory basis for holding such cooperative efforts must impose a minimum basic mill levy on such cooperating political subdivisions, municipalities and agencies of the state. Such statutory authority could probably justify counties in agreeing to a basic minimum mill levy throughout the cooperating territory, however, in the absence of such agreements the counties would not be required to levy the full amount of two mills merely because they are cooperating in such ventures.

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Attorney General